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PLAINTIFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DIANE BEALL FKA TEMPLIN

Plaintiff,

v.

QUALITY LOAN SERVICE CORP

and

ONEWEST BANK, F.S.B. FKA
INDYMAC BANK, FSB`

Does 1-10

Defendants

Case No. 10-CV-1900 IEG (WVG)

PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE OF
FREEDOM OF
INFORMATION ACT
RESPONSE FROM THE
FEDERAL DEPOSIT
INSURANCE CORPORATION
("FDIC"),

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

Plaintiff DIANE BEALL F/K/A TEMPLIN (hereinafter "Plaintiff"), does hereby

Request for Judicial Notice of the following documents in support of her

Opposition to Defendant OneWest's Motion to Dismiss 1st Amended Complaint:

1. Exhibit I- Freedom of Information Request ("FOIA") and
2. Exhibit II- Response from the Federal Deposit Insurance Corporation ("FDIC") to

1 Plaintiff FOIA Request regarding information about the ownership of the security
 2 instruments and beneficial interest of OneWest regarding Plaintiff's property which is at
 3 issue in the case at bar. Plaintiff requests this information Pursuant to Rule 201(b). This
 4 information is included as a document from a federal office that is at issue in Plaintiff's
 5 First Amended Complaint.

6 OneWest Bank FSB (hereinafter "Onewest") incorrectly asserts that it has standing to
 7 proceed as the beneficiary and real party in interest under the original promissory note and deed
 8 of trust by way of a document entitled "Corporate Assignment of Deed of Trust" which was
 9 filed on January 21, 2010 in the land title records.¹

10 In Granting Onewest's Motion to Dismiss on 12/23/2010, this Court stated that Indymac
 11 Bank FSB was taken over by the Federal Deposit Insurance Corporation (hereinafter "FDIC")
 12 on June 8, 2008. A subsequent sale of Indymac Bank FSB by the FDIC to Onewest Bank FSB,
 13 occurred on or about March 19, 2009.²

14 The loans originated by Indymac Bank FSB from 1999 to 2008 were primarily sold into
 15 Mortgage Backed Security Trusts (hereinafter "MBS"), and only a small percentage of the loans
 16 were held long term and held in their own name as Indymac Bank FSB (hereinafter "INDY
 17 LOAN").

18 FDIC SALE OF INDYMAC [LOANS OWNED] AND [SERVICING RIGHTS]

19 The sale on March 19, 2009 by the FDIC of "Indymac Federal Bank FSB successor in
 20 interest to Indymac Bank FSB" assets consisted of two separate and distinct sales. One was a
 21 sale of all servicing rights which included the servicing rights to the existing "MBS" and the
 22 servicing to existing loans owned and held by Indymac Bank FSB (hereinafter INDY
 23 SERVICING").

24 The second was the "INDY LOANS", which were an asset of the failed Indymac Bank
 25 FSB and the taken over bank Indymac Federal Bank FSB. The sale of Indymac Bank FSB
 26 servicing rights to Onewest Bank FSB on March 19, 2009 were included in a specific asset
 27 purchase agreement .

28 ¹ Plaintiff's Complaint (exhibit e) in [Doc No. 1]

² Including the existing servicing rights associated with Master Servicing duties obligated with Indymac Mortgage Backed Securities Trusts formed prior to the failure of Indymac Bank FSB including Indymac Residential Asset Securitization Trusts form from 2003-2008.

THE FREEDOM OF INFORMATION ACT REQUEST AND ANSWER BY THE FDIC

Under the Freedom of Information Act (hereinafter "FOIA"), Plaintiff received information from the "FDIC" that the purported Corporate Assignment of Deed of Trust on January 21, 2010 is not substantiated. Plaintiff's loan was not sold to Onewest. Only the sale of the servicing rights were noted by the FOIA documents sent to Plaintiff.

This is material and lends support to the forensic analysis done by Plaintiff which documented the loan to be in a mortgage backed security trust. This question of material fact would require the Courts adjudication.

The FDIC documents support that Onewest only purchased the servicing rights to the loan originated for Plaintiff.³

Indymac Loan:1003561436 FDIC FOIA Log No. 10-1479

Dear Ms. Beall:

Enclosed are copies of the following records located by the FDIC which appear to be responsive to your request:

1. Serving Business Asset Purchase Agreement
2. Excerpts of Schedule 1.01(a) Mortgage Loans to Servicing Business Asset Purchase Agreement.

These documents reflect that the servicing of the loan described in your FOIA request was transferred to OneWest Bank FSB. Consequently, questions concerning this loan should be addressed to OneWest Bank FSB. The main office of the bank is located at 888 E Walnut Street, Pasadena, California 91101. The FOIA also included in the response the agreement.⁴ Such document is included as Exhibits I and II.

Dated: 02/24/2011

Respectfully Submitted;

/s/ Diane Beall fka Templin
Plaintiff BEALL FKA TEMPLIN

³ See RJN FOIA REQUEST AND RESPONSE Indymac Loan # 1003561436

⁴ SERVICING BUSINESS ASSET PURCHASE AGREEMENT BY AND BETWEEN THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECIEVER FOR THE INDYMAC FEDERAL BANK, FSB ANDAND ONWEST BANK FSB DATED AS OF MARCH 19, 2009.